

Lewis County Planning Commission **Public Hearing**

Lewis County Courthouse
Commissioners' Hearing Room – 2nd Floor
351 NW North St – Chehalis, WA

September 22, 2015 - Meeting Notes

Planning Commissioners Present: Jeff Millman, District 2; Sue Rosbach, District 1; Mike Mahoney, District 1; Richard Tausch, District 2; Leslie Myers, District 1

Planning Commissioners Excused: Russ Prior, District 3

Planning Commissioners Absent: Bob Guenther, District 3

Staff Present: Lee Napier, Tim Elsea; Mike Kroll; Eric Eisenberg, Fred Evander, Pat Anderson

Others Present: Brad Medrud, AHBL, Inc.; Chrissy Bailey, Department of Ecology

Handouts/Materials Used:

- Agenda
- Meeting Notes
- PowerPoint on Public Works' Transportation Improvement Program (TIP)
- PowerPoint on Shoreline Master Program (SMP)
- Draft Shoreline Master Program Update
- SMP FAQ

1. Call to Order

Chair Mahoney called the meeting to order at 6:02 p.m. The Commissioners introduced themselves. The Chair acknowledged Eric Eisenberg and asked him to say a little bit about himself. Mr. Eisenberg stated he works for the Prosecuting Attorney's office, starting in 2011 as a criminal prosecutor. In April of 2015 he switched to being a civil prosecuting attorney. One of his duties is to advise the county government on its actions and so he is attending the meeting to continue his education and learn what the Planning Commission does.

2. Approval of Agenda

There were no other changes.

3. Approval of Meeting Notes

There were no changes to the meeting notes from August 11, 2015. A motion was made by Commissioner Millman, seconded by Commissioner Tausch to approve. The notes were approved as presented.

It was decided to move the TIP ahead in the agenda.

4. New Business

A. Workshop on Public Works Transportation Improvement Program (TIP)

Mike Kroll, Public Works Transportation Planner, presented a PowerPoint explaining the Transportation Improvement Program. The purpose of the TIP is to develop Lewis County's future transportation improvement programs and projects, and it provides a comprehensive transportation program for the next six calendar years. It is required by RCW 36.81.121 and WAC 136.15.050.

Mr. Kroll explained how a project is created, the project selection criteria, and various funding sources. He summarized the projects that were either completed or still being worked on in 2015. The preliminary 2016-2021 TIP followed. The construction budget for 2016 is \$11.35 million. The construction budget for the six year TIP is \$65.78 million. Mr. Kroll then summarized the top 11 priorities for 2016.

Chair Mahoney asked if the Borst Avenue safety improvements is something the County can now go forward with or is it in conjunction with the City of Centralia. Mr. Kroll stated it has to be in conjunction with Centralia because of the storm water and utilities. Chair Mahoney asked if there is an indication that Centralia will cooperate. Tim Elsea, Public Works Director, stated that they are trying to get an initiative to fund more road improvements. That project is important to the City Council; Mr. Elsea does not believe it is their highest priority and he hopes they will move forward; the County is in favor of it and would like to help on it.

Mr. Elsea spoke about the north County industrial access. That project will improve the industrial access to all north County properties. Lewis County is partnering with Thurston, WSDOT, City of Tenino, Port of Centralia, and the city of Centralia. It will be a collaborative process. At this time it is unknown what the solution will be, whether it will be a new interchange, or if it will provide better access on existing roads, or new roadways. \$50 million was received for that project in the budget from the State Legislature for 2025.

Mr. Elsea stated there is also money set aside for Harrison Avenue. The access is going to take a global approach and when projects like this are being funded it helps that the local jurisdictions are willing to put their own money in.

The Mickelsen Parkway has been kept on the TIP. Mr. Elsea stated Benaroya has put that property up for auction. Contrary to what might have been reported, he believes it is because there are some challenges with that property. Improvements are needed to SR 505, such as a climbing lane, there might be some improvements to the interchanges needed, and improvements to the intersections will be needed as well. Currently there is not sewer or water that serves that parcel and there is large parcel in the center that Benaroya tried to acquire but were not able. Without acquiring that a major re-design of that project is necessary. Benaroya has stated all along that they did not know if they would develop it themselves or if they would put it in a position and then sell it. Mr. Elsea stated Mickelsen Parkway has been left on the TIP because the County believes someone will develop the property in the future.

Commissioner Millman asked if there was a timeline required for development of that property. Mr. Elsea stated there is, and one time limit has already passed. Benaroya approached the Mickelsen family

and helped negotiate another three years for construction to begin. If that does not occur then something else will need to be negotiated if the County is going to use Mickelsen Parkway.

Commissioner Millman asked if that is a County project or if it is the owner's project. Mr. Elsea stated it will be a developer's project, not a County project.

Commissioner Tausch asked the status of the railroad line acquisition. Mr. Elsea stated what he knows is that the County is funding a feasibility study to see if it makes fiscal sense for the County to purchase that railroad and put it on the TIP. In order to receive funding it has to be on a transportation improvement plan of some sort. If it is not economically feasible then it will not move forward for purchase.

Mr. Kroll stated if there are any questions or input on the TIP to contact Ms. Anderson and she will forward them.

5. Old Business

A. Public Hearing on Countywide Planning Policies (CWPP)

Mr. Evander stated the Countywide Planning Policies are how Lewis County does long-range planning and how all of the communities in Lewis County do long-range planning. The CWPPs are created through discussions of all of the County jurisdictions to ensure the policies meet everyone's needs. The Planned Growth Committee looked at the policies and recommended no changes.

Chairman Mahoney opened the public hearing on the Countywide Planning Policies. He asked for questions or comments from the public. There were none. He asked for comments from the Planning Commissioners. There were none.

Chair Mahoney stated he did not see a need to keep the record open for written comments since no changes were recommended. He closed the public hearing.

Chair Mahoney entertained a motion to forward the Letter of Transmittal on the CWPPs to the Board of County Commissioners. Commissioner Rosbach made the motion; Commissioner Millman seconded. The motion carried unanimously.

Chair Mahoney stated the second part under New Business on the agenda is a workshop on the Shoreline Master Program. He stated the SMP has gone through quite a lengthy process with a Citizens Advisory Committee (CAC) and a Technical Advisory Committee (TAC). He has commented in the past that the SMP document was very large and with the work that Mr. Medrud and Mr. Evander have done recently the much smaller document before the Planning Commission is workable. Chair Mahoney stated the workshops on the SMP have been noticed in the Chronicle and he is hopeful for good attendance in Mossyrock on October 13.

Mr. Evander introduced Brad Medrud, AHBL, Inc. and consultant on the SMP, and Chrissy Bailey, State lead with the Department of Ecology. Mr. Medrud will do the presentation and questions can be asked of any of these individuals.

Mr. Medrud stated he appreciated all of the work County staff has put into this document as well as the participants of the advisory committees. Tonight Mr. Medrud will summarize what the update is about; he will not be introducing a brand new set of regulations and policies. This is an update of the existing regulations and policies.

The update falls under the umbrella of the Shoreline Management Act (SMA) of 1971. It is a state act approved by the citizens and it is the means by which the state and local governments manage and protect the state shoreline resources and plan for reasonable and appropriate uses within those shorelines. The SMA governs what can and cannot be done within the shorelines.

The Shoreline Master Program (SMP) is the local document that takes the requirements of the SMA and translates those into the conditions that are on the ground. It establishes the overall goals for the plan, it establishes policy and regulations. It is functioning as a comprehensive plan as well as a set of development regulations for activities occurring within the shorelines. Lewis County adopted the current SMP in 1974 with a minor amendment in 1998. The update is necessary to reflect the changing conditions in the County and the changing conditions in the state in terms of regulatory requirements.

The update is required by the State and it is based on new 2003 State regulations. All SMPs in Washington are being updated and Department of Ecology (DOE) is the lead agency.

SMP update requirements include: protecting shoreline natural resources through “no net loss”; preserving and enhancing public access; providing for and giving preference to “water-oriented uses”; and providing for voluntary restoration planning.

Mr. Medrud explained the “no net loss” requirement. It means development impacts do not cause a decline from current baseline. It is based on critical areas regulations; new impacts must be avoided or mitigated. There can be no net loss of ecological functions necessary to sustain shoreline natural resources. There is a requirement for restoration planning. This is a separate report from the SMP document that outlines those voluntary actions that the County will take over the next 8-10 years that will encourage restoration of the shoreline as a whole.

Elements of the SMP update include public participation with input through open houses, the Citizens Advisory Committee and Technical Advisory Committee, SMP update on the website, and meetings with the Planning Commission and the County Commissioners. A shoreline inventory and analysis has been completed which analyzed available data, shoreline functions and uses and public access. It describes existing conditions and development patterns and establishes the baseline for no net loss. The restoration plan will be discussed in later workshops.

The SMP update establishes goals, policies and regulations for uses and modifications in the shoreline, and it regulates development and activity in the shoreline. The regulations will apply to future development. It does not apply retroactively to past actions and it does not require changes to existing land uses or developments.

Mr. Medrud explained where shoreline regulations apply. These are lakes and reservoirs greater than 20 acres in size; rivers with mean annual flow over 1000 cubic feet per second; river and streams with mean annual flow over 20 cubic feet per second; the 2010 flood channel study areas and SMP flood

course; floodplain contiguous and within 200 feet of the flood channel study and flood course; and associated wetlands. There are over 992 miles of creeks and rivers and over 17 thousand acres of lakes and reservoirs.

The Chair recessed the meeting for a short break so everyone could look at the various maps around the room. Upon resuming, Mr. Medrud stated he would clarify some questions brought up during the break.

One question was: are the maps set in stone. Mr. Medrud stated the maps were based on information from 2012 and 2013. The rivers and creeks move and change shapes and sizes; therefore these are planning-level maps. That means that these maps will be used by County staff and the people who have property near rivers and streams. The actual determination of a shoreline jurisdiction (the ordinary high water mark) will be done on a development-by-development basis. When a person goes to the County to apply for a new house etc. on a stream, river or lake, the County will have newer or better information than what is available now and will either say it is within the shoreline jurisdiction or they are not sure and will ask the applicant to go to the next level. There is information in the SMP to determine the high water mark.

Another question was what the various colors on the maps mean. The colors are the shoreline environment designations. Those are equivalent to zoning or land use designations. They tell what particular uses can be located where and what kind of setbacks can be expected. Red is high intensity; purple is shoreline residential; yellow is rural conservation; orange is urban conservancy and does not apply to rural Lewis County. Blue is everything water-ward of the ordinary high water mark; green is natural – these areas are environmental protected areas.

Important areas of focus are shoreline buffers, agricultural uses and shoreline uses and modifications. Lewis County has two critical area regulations: LCC 17.35 that applies to agricultural uses only and LCC 17.35A that applies to everything else. Buffers are established based on type of use and whether use is water-dependent, water-related/water-enjoyment, or non-water-related. For uses that are required to be on the water a buffer doesn't make any sense. A buffer is an area that is vegetated or set aside by a certain distance from the ordinary high water mark on a horizontal line out a certain number of feet. The intent is to have an area that offers a physical barrier of vegetation or distance that protects the resources of the water.

Mr. Evander stated the buffer table is on page 30 of the Draft SMP update.

Commissioner Rosbach asked if nothing can happen within the buffers, for agriculture – cattle can't be within the buffer? Mr. Medrud stated he would get to agriculture. These are everything outside of agricultural uses.

There are things you can do within the buffer. If you have landscaping there already you can maintain it but you cannot dig it up. You can go through the buffer to get to the water to swim, to fish, etc. as long as a physical change is not made to the buffer. A structure cannot be built without some level of variance or permit.

Mr. Medrud explained the flow chart showing where the updated SMP applies to agriculture. The Critical Area regulations still apply to agricultural activities, even if the SMP does not.

Key areas that have been updated in shoreline uses and modifications include boating and water access, shoreline stabilization, aquaculture, grading, clearing and fill.

Mr. Medrud stated that in the future when the County updates its Critical Areas Ordinance outside of the shoreline jurisdiction, those updates will not affect the critical area regulations that are within the Shoreline Master Program, unless the County takes action to update its Shoreline Master Program to match it.

Mr. Medrud asked if there were particular areas that Chair Mahoney would call out for further review by the Planning Commission. Mr. Mahoney stated no. He encouraged the Planning Commissioners to go over the draft SMP and come up with comments and questions for the October 13 meeting.

Chair Mahoney stated an issue with state and county governments is contradicting rules and regulations. He likes to see references to a WAC, for example, and if something is based on that WAC, and if the State Legislature amends it, it automatically takes place and the County is still in compliance and does not have to go through the process again. When the CAO was updated, the agricultural section was not updated. There was a statewide movement and the County opted into the Voluntary Stewardship Program which did not get funded. He believes there is funding now and in 2016 the work will start on it and eventually some of it will come before the Planning Commission. It is a voluntary program that protects existing agriculture and allows farming. Within the shoreline existing agricultural uses are mostly exempt.

Mr. Medrud continued with next steps which include workshops and public hearings. The tentative schedule is as follows:

- October 13 – Planning Commission workshop in Mossyrock
- November 10 – Planning Commission workshop and discussion of previous workshops
- December 8 – Planning Commission public hearing
- January – March, 2015 – Board of County Commissioner workshops and public hearing

Websites for additional information:

- <http://lewisCountywa.gov/communitydevelopment/shoreline-master-program>
- https://www.ezview.wa.gov/site/alias_1764/34605/default.aspx
- <http://www.ecy.wa.gov/programs/sea/shorelines/index.html>

Chair Mahoney asked the Planning Commissioners to get the word out about the workshops and hearings. He asked Mr. Evander if there would be just one public hearing. Mr. Evander stated it would be up to the Commissioners. Chair Mahoney thought it might be clearer after the workshop on October 13 as to whether more than one public hearing will be required. If another meeting is required in December he hoped there would be cooperation with everyone involved.

Commissioner Rosbach asked if it would be possible to get a map of each district and what is being impacted.

Chairman Mahoney stated the maps give a basic understanding of where the shoreline jurisdiction is but you must look at what is on the ground because the rivers and streams move. If there are questions at that point, then County staff can help. There is a lot of area in Lewis County that is going to be impacted.

6. Calendar

The next meeting will be on October 13 in Mossyrock at the Community Center. It will be the second workshop on the Shoreline Master Program.

7. Good of the Order

There were no comments.

8. Adjourn

There was no other business before the Planning Commission. Adjournment was at 8:04 p.m.